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09/539,662	03/30/2000	Ricky F Combest	5249-2	8540

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EXAMINER
BAUGH, APRIL L

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/539,662	Applicant(s) COMBEST, RICKY F	
	Examiner April L Baugh	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 March 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 8-11, 13-18, 20-49 rejected under 35 U.S.C. 102(e) as being unpatentable by US Patent No. 6,105,027 to Schneider et al.

Regarding claim 8, Schneider et al. teaches a network access device facilitating access by a network member to a dynamic virtual network (column 1, lines 29-30 and 35-37 and column 4, lines 45-46 of Schneider et al.), the device comprising: a global network interface accessible to the network member and the dynamic virtual network (column 5, lines 3-5 of Schneider et al.); and a processor and memory containing: software means (column 36, lines 66-67 and column 50, lines 49-51 of Schneider et al.) for identifying the network member to a network authority; information describing the network member (column 11, lines 29-31 and column 28, lines 30-34

of Schneider et al.); and software means for the contemporaneous archiving of transaction communications (column 2, lines 11-14 of Schneider et al.).

Referring to claim 9, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, where the software means for identifying the network member utilizes digital certificates (column 11, lines 18-19 and 29-33 of Schneider et al.).

Regarding claim 10, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, wherein the information describing the network member includes a subset of commercial and personnel data describing a member (column 28, lines 30-39 of Schneider et al.).

Referring to claim 11, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, further comprising software means for accessing and searching, over the global network, at least a first directory of information describing the network member (column 28, lines 30-39 of Schneider et al.).

Regarding claim 13, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, further comprising software means for modifying and storing the member's company profile information (column 28, lines 30-39 of Schneider et al.).

Referring to claim 14, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, further comprising software means for modifying and storing the member's user profile information (column 8, lines 4-8 of Schneider et al.).

Regarding claim 15, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, further comprising software means for modifying and storing the member's role information (column 8, lines 4-8 and column 28, lines 30-39 of Schneider et al.).

Referring to claim 16, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, including means for enabling limited access to the member's information to other network members (column 5, lines 7-22 of Schneider et al.).

Regarding claim 17, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 16, in which the network access device includes means for publishing selected company information to other network members while excluding access by network non-members (column 5, lines 7-22 of Schneider et al.).

Referring to claim 18, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network, the method comprising: providing information regarding the prospective network member to a network authority (column 13, lines 10-15 of Schneider et al.); qualifying by the network authority the prospective network member; and issuing by the network authority network access capability to the prospective network member (column 2, lines 36-40 and column 8, lines 41-43 of Schneider et al.).

Regarding claim 20, Schneider et al. teaches the method as claimed in claim 18, wherein the provided information includes at least a first financial datum of the prospective network member (column 28, lines 30-39 of Schneider et al.).

Referring to claim 21, Schneider et al. teaches the method as claimed in claim 18, wherein the provided information includes at least a first personnel datum of the prospective network member (column 28, lines 30-39 of Schneider et al.).

Referring to claim 22, Schneider et al. teaches the method as claimed in claim 18, wherein the provided information consists of general business entity data of the prospective network member (column 28, lines 30-39 of Schneider et al.).

Regarding claim 23, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 18, further comprising the steps of: connecting the prospective network member to the network; and confirming by the network authority the veracity of the prospective network member's network access information (column 27, lines 52-56 and column 28, lines 30-39 of Schneider et al.).

Referring to claim 24, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 18, wherein the network access capability is facilitated by a network access device, the network access device limiting dynamic virtual network access to subscribed network members (column 5, lines 7-22 of Schneider et al.).

Regarding claim 25, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 18, wherein the network access capability includes assignment: of at least a first digital certificate to the new network member (column 11, lines 18-19 and 29-33 of Schneider et al.).

Referring to claim 26, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 18, where the

network access capability includes assignment of at least one internet protocol address (column 1, line 42 of Schneider et al.).

Regarding claim 27, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 23, wherein the confirmation step includes verification of at least the first certificate assigned to the network member (column 11, lines 18-19 and 29-33 of Schneider et al.).

Referring to claim 28, Schneider et al. teaches a method for forming a partnership between two dynamic virtual network (column 4, lines 45-46 of Schnieder et al.) members connected by a network (column 1, lines 35-37 and column 2, lines 36-40 of Schneider et al.), the method comprising: selecting a partnership criterion by the first network member; broadcasting the partnership criterion by the first network member to other network members; receiving by a second network member the partnership criterion; the second network member responding to the first network member; and establishing a partnership relationship between the first network member and second network member (column 18, lines 32-35 and column 40, lines 47-48 of Schneider et al.).

Regarding claim 29, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the network members are connected to the network via a network access device which denies network access to network non-members (column 1, lines 29-30 and column 2, lines 36-40 of Schneider et al.).

Referring to claim 30, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the establishment step grants the

first network member access to private data via the second network member's access device (column 1, lines 35-37 and column 2, lines 30-33 of Schneider et al.).

Regarding claim 31, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the establishment step grants the first network member access to private data on the second network member's shared storage area (column 1, lines 35-37 and column 2, lines 30-33 of Schneider et al.).

Referring to claim 32, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the establishment step includes transmittal by the first network member to the second network member of authorization to access private data on the first network member's network access device (column 11, lines 18-19 of Schneider et al.).

Regarding claim 33, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the establishment step includes transmittal by the first network member to the second network member of authorization to access private data on the first network member's shared storage area (column 11, lines 18-19 of Schneider et al.).

Referring to claim 34, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the establishment step includes permitting access by the first network member partner to role information of the second network member partner (column 2, lines 30-34 of Schneider et al.).

Regarding claim 35, Schneider et al. teaches a method for forming a partnership over the dynamic virtual network as claimed in claim 28, wherein the partnership establishment includes

reciprocally permitting access by one network member partner to role information of the other network member partner (column 2, lines 30-34 of Schneider et al.).

Referring to claim 36, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network (column 1, lines 35-37 and column 4, lines 45-46 of Schneider et al.), the method comprising: transmitting and contemporaneously archiving information from a first network member to a second network member; and receiving and contemporaneously archiving the transmitted information by the second network member (column 2, lines 12-14 and 25-30 of Schneider et al.).

Regarding claim 37, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein a priority network transmission is earned by a commercial global network service which provides business critical levels of service (column 45, lines 54-60 of Schneider et al.).

Referring to claim 38, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, further comprising the steps of transmitting and contemporaneously archiving by the second network member a response to the first network member; and receiving and contemporaneously archiving by the first network member the response received (column 2, lines 11-14 of Schneider et al.).

Regarding claim 39, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein the transmitted information is contemporaneously archived by the network authority (column 2, lines 11-14 of Schneider et al.).

Referring to claim 40, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein the archiving control element resides in the network access device (column 42, lines 54-55 and 60-62 of Schneider et al.).

Regarding claim 41, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein transmitting and contemporaneously archiving information includes transmitting and contemporaneously archiving a document whose terms are unalterable (column 2, lines 11-14 of Schneider et al.).

Regarding claim 42, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein receiving and contemporaneously archiving the transmitted information includes sending a return receipt (column 42, lines 45-46 of Schneider et al.).

Referring to claim 43, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, further comprising establishing a partnership between the first and second network members before the transmitting and contemporaneous archiving step (column 7, lines 45-50 and 56-59 of Schneider et al.).

Regarding claim 44, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein transmitting and contemporaneously archiving includes encrypting the information (column 4, lines 53-55 and column 8, lines 19-23 of Schneider et al.).

Referring to claim 45, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 44, wherein encrypting the transmitted information includes exchanging public keys between the first and second network members (column 10, lines 23-29 of Schneider et al.).

Regarding claim 46, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 36, wherein receiving and contemporaneously archiving transmitted information includes digitally signing a document by the second network member (column 10, lines 63-64 of Schneider et al.).

Referring to claim 47, Schneider et al. teaches a method for conducting a transaction between network members over the dynamic virtual network as claimed in claim 46, wherein receiving and contemporaneously archiving transmitted information further includes transmitting the signed document to the first network member (column 10, lines 27-29 of Schneider et al.).

Regarding claim 48, Schneider et al. teaches a method for the presentation over a network of information belonging to a plurality of disparate users of the network, wherein the information is searchable using a single search query (column 3, line 67 through column 4, lines 1-3 and column 25, lines 65-67 of Schneider et al.), the method comprising: creating a database capable of being connected to the network; collecting information from a first network user; inputting information for the first network user into the database utilizing a data structure; collecting information from a second network user; and inputting information for the second network user into the database utilizing the same data structure (column 2, lines 12-14 of Schneider et al.).

Referring to claim 49, Schneider et al. teaches the method for the presentation over a network of information as claimed in claim 48, wherein the database exists in two or more at

least partly unique subsets and wherein at least one of the partly unique subsets resides in the memory of a computer separate from the other subsets of the database (column 2, lines 12-14 and column 36, lines 62-63 of Schneider et al.).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim1-7, 12, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,105,027 to Schneider et al. and in view of Seid et al.

Regarding claim 1, Schneider et al. teaches a dynamic virtual network on which participating members can establish partnerships, communicate, and share information (column 1, lines 35-37 and column 4, lines 45-50 of Schneider et al.), the network comprising: a network authority including a computer programmed for network administration (column 8, line 9-12 of Schneider et al.); at least a first network member and a second network member, each member including a computer comprising means for communicating over a global network (column 11, lines 29-30 and column 28, lines 30-33 of Schneider et al.);at least a first network access device and a second network access device; and for each network access device and the network authority, an interface facilitating connection to a global network (column 1, lines 29-30 of Schneider et al.).

Schneider et al. does not teach that the first access device is accessible by the first network member and the second access device is accessible by the second network member. Seid et al. teaches wherein the first access device is accessible by the first network member and the second access device is accessible by the second network member (column 2, lines 6-9 of Seid et al.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the techniques for control of access to data in a distributed environment of Schneider et al. by having the first access device be accessible by the first network member and the second access device is accessible by the second network member because this provides better security for each network members data.

Referring to claim 12, Schneider et al. teaches a device facilitating access to a dynamic virtual network as claimed in claim 8, further including displaying software for displaying a document coded in extensible markup language to a user (column 3, line 67 through column 4, lines 3 of Schneider et al.).

Schneider et al. does not teach software for translating text into an extensible markup language. Seid et al. teaches software for translating text into an extensible markup language (column 15, lines 59-65 of Seid et al.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the techniques for control of access to data in a distributed environment of Schneider et al. by having software for translating text into an extensible markup language because to display the information in XML it must first be translated into XML.

Regarding claim 19, Schneider et al. teaches a method for subscribing a prospective network member to a dynamic virtual network as claimed in claim 18 (column 13, lines 10-15 of Schneider et al.).

Schneider et al. does not teach the qualifying step includes verification of the provided information with third-party information. Seid et al. teaches the qualifying step includes verification of the provided information with third-party information (column 15, lines 42-43 and 48-49 of Seid et al.). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the techniques for control of access to data in a distributed environment of Schneider et al. by the qualifying step includes verification of the provided information with third-party information because this is added security in making sure a prospective member is eligible to become a network member.

Referring to claim 2, Schneider et al. teaches the network claimed in claim 1, wherein the global network interface provides priority network transmission by connection to a commercial global network system, which provides business critical levels of service (column 2, lines 36-40 of Schneider et al.).

Regarding claim 3, Schneider et al. teaches a dynamic virtual network claimed in claim 1, including means for communication between the first and second network access devices, and the network authority, which utilizes digital certificates (column 11, lines 18-19 and 29-33 of Schneider et al.).

Referring to claim 4, Schneider et al. teaches a dynamic virtual network claimed in claim 1, wherein at least the first and second network members include means for exchanging public keys (column 10, lines 23-27 of Schneider et al.).

Regarding claim 5, Schneider et al. teaches a dynamic virtual network claimed in claim 1, wherein the network authority further includes a means for contemporaneously archiving a communication transmitted over the network (column 2, lines 11-14 of Schneider et al.).

Referring to claim 6, Schneider et al. teaches a dynamic virtual network claimed in claim 1, wherein each network access device includes a means for contemporaneously archiving a communication transmitted through the device (column 2, lines 11-14 of Schneider et al.).

Regarding claim 7, Schneider et al. teaches a dynamic virtual network claimed in claim 1, including means for enabling limited access to the member's information to other network members, while excluding nonmembers from access (column 2, lines 36-40 and column 5, lines 7-15 of Schneider et al.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9149 for regular communications and 703-746-9149 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB
February 28, 2003

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